

BEFORE THE BOARD OF COUNTY COMMISSIONERS
OF LANCASTER COUNTY, NEBRASKA

COUNTY TEXT AMENDMENT NO. 13013:)	
TEXT AMENDMENT TO THE LANCASTER)	
COUNTY ZONING RESOLUTION, TO AMEND)	RESOLUTION NO.
		<u>R-14-0007</u>
ARTICLES 2, 4 AND 13, AS PROVIDED IN)	
ATTACHMENT A)	

WHEREAS, pursuant to Neb. Rev. Stat. § 23-114 (Reissue 2012), the Lancaster County Board of Commissioners is authorized to make amendments to the 1979 Zoning Resolution of Lancaster County and the Lancaster County Land Subdivision Resolution, which are consistent with the County's Comprehensive Plan and after receipt of specific recommendations from the Lincoln/Lancaster County Planning Commission ("Planning Commission"); and

WHEREAS, Prairieland Dairy, LLC has requested a text amendment to the Lancaster County Zoning Resolution by amending Articles 2, 4 and 13 to allow Commercial Composting Operations by special permit in the AG Agricultural District, as provided in Attachment "A," attached hereto and incorporated by this reference; and

WHEREAS, the Lincoln-Lancaster County Planning Department has recommended approval of this amendment concluding that the proposed use is licensed and regulated by the State of Nebraska Department of Environmental Quality, which includes numerous and detailed requirements for licensure, and allowing these uses as a special permit will give the public and the Lancaster County Board of Commissioners the opportunity to review the zoning and land use implications. The AG Agricultural District has lower density and existing agricultural uses that provide many area where composting facilities might be appropriate; and

WHEREAS, on December 11, 2013, after public hearing, the Lincoln-Lancaster County Planning Commission agreed with the staff recommendation and voted 9 to 0 to recommend

approval of said text amendments; and

WHEREAS, on January 28, 2014, the Board of Commissioners of Lancaster County conducted a public hearing regarding said text amendment and voted to approve said amendments.


NOW, THEREFORE, BE IT RESOLVED, by the Board of Commissioners of Lancaster County, Nebraska that the amendments to Articles 2, 4 and 13 of the Lancaster County Zoning Resolution, as provided in Attachment "A," are hereby adopted and approved.





BE, IT FURTHER RESOLVED, that any other references in said Resolution which may be affected by the above specified amendments be, and they hereby are, amended to conform to such specific amendments.

DATED this 28th day of January, 2014, in the County-City Building, Lincoln, Lancaster County, Nebraska.

BY THE BOARD OF COUNTY
COMMISSIONERS OF
LANCASTER COUNTY, NEBRASKA

APPROVED AS TO FORM
this 28th day of
January, 2014.


Deputy County Attorney
for JOE KELLY
Lancaster County Attorney





Raybould Absent

ATTACHMENT "A"

TX13013 Text Amendment to the Lancaster County Zoning Resolution

Article 2 Definitions

2.0276. Clinic. A clinic is an establishment where patients are admitted for special study and treatment by a group of physicians practicing medicine together.

2.0287. Closing Section. Any section of land bordering on the north or west line of a township. (Resolution No. 3478, June 24, 1980)

2.0298. Club. Club shall mean a building or facility owned or operated by persons associated for a social, educational or recreational purpose, not operated primarily for profit nor to render a service which is customarily carried on as a business, and which is generally restricted to members and their guests using the facility for the purpose for which they have been associated; this shall not include a church building, or the occasional accessory use of a private residence as a meeting place.

2.029 Commercial Composting Operation . Commercial Composting Operation shall mean any premises that is maintained, used, or operated wholly or partially for accepting, receiving or otherwise utilizing organic materials that originated or are derived off the premises for composting on the premises. Commercial composting operation includes any profit or not for profit operation that collects or accepts organic materials from a premises other than the premises where the composting occurs.

2.029.a Composting. Composting shall mean the controlled aerobic, thermophilic, microbial degradation of organic material to a stabilized, humus-like material. Composting shall not include land application of organic material that is worked into the soil.

2.029.b Organic Materials. Organic Materials shall mean any biodegradable: lawn clippings and leaves; raw sewage or treated sewage sludge; animal or paunch manure; any other plant or food residue; or a mixture of any of the above.

Article 4 "AG" Agricultural District

4.007 Permitted Special Uses

ff) Commercial Composting Operation

Article 13 Special Permit

13.001 Special Permit

37) Commercial Composting Operation. A Commercial Composting Operation may be allowed by special permit in the AG zoning district under the following conditions:

- a) The applicant shall provide information regarding the nature of the activities related to the permit.
- b) The applicant shall provide information regarding the location and dimensions of any buildings on the premises, including any building to be used, in whole or in part, in the permitted activity.
- c) The area in which waste is handled, stored or disposed of must be located at least 750 feet from any dwelling not associated with the facility.
- d) The applicant shall provide information on the type and number of vehicles visiting the site per day and the route that these vehicles will take.
- e) Visual screening through setbacks, berming and other techniques may be required where the area and/or facility is adjacent to a residence, park, school, roadway, trail, or other land use at the discretion of the Planning Commission.
- f) This special permit is final action at the Lancaster County Board of Commissioners.